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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/014,422 01/27/98 IWAMOTO

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TM02/0508

 EXAMINER

HIYNNH, C	
ART UNIT	PAPER NUMBER

2176

DATE MAILED:

05/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/014,422</b>	Applicant(s) <b>Iwamoto et al.</b>	
	Examiner <b>Cong-Lac Huynh</b>	Art Unit <b>2176</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Feb 26, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-8, 10-19, and 21-26 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8, 10-19, and 21-26 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) <input type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	20) <input type="checkbox"/> Other: _____

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## **DETAILED ACTION**

1. This action is responsive to communications: amendment filed on 01/24/01 to the application filed on 01/27/98.
2. Claims 9 and 20 are canceled.
3. Claims 23-26 are added.
4. Claims 1-8, 10-19, 21-26 are pending in the case. Claims 1, 12, 23 are independent claims.
5. The objection of the specification as including a new subject matter has been withdrawn in view of the amendment.
6. The rejections of claims 1-8, 10-19, 21-26 under 35 U.S.C. 102(a) as anticipated by Microsoft Excel 97 have been withdrawn in view of the amendment.

### *Specification*

7. The specification is objected since it includes an indefinite subject matter.

The specification discloses a random extraction device for *extracting a predetermined number of records at random* from the data to be analyzed, so that a graph is displayed based on the extracted data" (page 4, lines 29 to page 5, lines 1-5, page 7, lines 16-19).

It is ambiguous since if the records are predetermined, that is they are known, they can not be extracted *at random*. The extraction can not be a random extraction.

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***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-8, 10-19, 21-26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding independent claims 1, 12 and 23, it is ambiguous since the random extracting can not be carried out based on a predetermined records as disclosed in the specification mentioned above (page 4, lines 29 to page 5, lines 1-5, page 7, lines 16-19).

The other claims are also rejected for being dependent on claims 1, 12, and 23.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1-8, 10-19, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Microsoft Excel 97* (hereinafter referred as Excel 97), Microsoft Corporation, 1997, pages 1-11. Examiner provides the article “Inside Microsoft Excel” as a evidence of the released date of Excel 97 which is 1/16/97 prior the priority date 6/20/97.

Regarding independent claim 1, Excel 97 discloses (on page 1):

- the cross tabulation in which the data which is set a range to be displayed is summed up, the *data selected which is extracted from a database is cross summed up* (the sum of East row, West row, North row, South row, and the sum of January, February, March instead of summing from January to December in the database)
- the cells selected among the cells to constitute the cross tabulation which includes the *data extracted from a database* (the cells in each row or each column)
- the graph for displaying the data *extracted from a database* within the range, here the range is from A1 to D4 (the graph for corresponding sampled data)

Excel 97 does not disclose explicitly extracting data automatically at random from a database. However, since the cells, selected by a user, which include data extracted from a database and summed up by the system, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have recognized that Excel 97 extracts data from a database automatically to perform the sum up operation on the data in selected cells.

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Regarding claim 2, which is dependent on claim 1, Excel 97 discloses the *selected range* (which is limited) of data that is used to draw the corresponding graph (page 2).

Regarding claim 3, which is dependent on claim 2, Excel 97 discloses the cross tabulation to cross sum the data by:

-- selecting of cells in the row East, selecting the AutoSum icon to sum up the numbers in the cells of the East row (page 3), and repeating for rows West, North and South;

-- selecting of *cells which include data extracted from a database* in the column January, selecting of the AutoSum to sum up the numbers in the cells of the January column (page 4), and repeating for columns February, March, and Total.

Regarding claims 4 and 5, Excel 97 discloses the rearranging of data according to a predetermined condition as “sort descending” by selecting the range A2 to D5 and selecting the Sort Descending icon. The *data changed which is extracted from a database* in the descending order (sequence East-West-North-South now changes to West-South-North-East) is summed up in the cross tabulation (pages 5 and 6).

Regarding claims 6 and 7, Excel 97 discloses the graph for the range selected from A1 to D4, which *includes data extracted from a database* (page 7 and the first graph in page 8). When

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selecting the new item South, the graph displayed is added the data for South (page 8, the second graph).

Regarding claim 8, the data analyzed is a collection of a number of data items *extracted from a database* (page 9, the highlighted data).

Regarding claims 10-11, Excel 97 discloses the graph of extracted data in which data item displayed as an axis based on the data record (page 11; page 10; page 8, the first graph).

Claims 12, 14-19, 21-22 are mediums for the apparatus of claims 1-11, and are rejected under the same rationale.

Claims 23-26 include the limitations of claims 1, 2, 4, and 6 respectively, and are rejected under the same rationale.

***Response to Arguments***

12. Applicant's arguments filed 2/26/01 have been fully considered but they are not persuasive.

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Applicants amend the claims 1, 12, 23 by adding the feature “random extraction means for extracting data automatically at random from a database” as well as “the data extracted at random from the database by the random extraction means is crossed summed up...”

Applicants argue that Examiner stated that the sampling in Excel 97 is performed under the direction of the operator, but is not performed automatically.

Examiner disagrees. First, Examiner did not state that the sampling in Excel 97 is performed under the direction of the operator, but is not performed automatically. Second, the title of the invention mentions the interaction. That is, there exists a user interaction. Finally, it was well known that in Excel 97, the range of selection is selected by a user. That is the user interaction. The system, then, *extracts data selected from the database* to perform the sum up operation as well as other operations *automatically*.

Claims 2-8, 10-11 are dependent on claim 1 are rejected based on the rationale of claim 1.

Independent claims 12 and 23, which include the same subject matters of claim 1, are rejected based on the rationale of claim 1.

Claims 13-19, 21-22 are dependent on claim 12, are rejected based on the rationale of claim 12.

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Claims 24-26 are dependent on claim 23, are rejected based on the rationale of claim 23.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is (703) 305-0432. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this Art Unit is (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

14. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

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(703) 308-5403 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

clh

4/30/01

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